

Remarks

The Office Action mailed November 2, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-9 and 13-43 are now pending in this application. Claims 1-9 and 13-43 stand rejected. Claims 10-12 and 44-45 have already been cancelled.

The rejection of Claims 1-5, 8, 9, 13-15, 18-25, 28-31, 34-36 and 39-41 under 35 U.S.C. § 103(a) as being unpatentable over Coons et al. (U.S. Patent No. 6,832,250) ("Coons") in view of Heinemann et al. (U.S. Patent No. 6,882,986) ("Heinemann") is respectfully traversed.

Coons describes a method and system for remotely storing usage data associated with monitored assets of an enterprise. The system includes a local data store for storing usage data associated with monitored assets of an enterprise, a usage data aggregation system with access to the local data store for aggregating data from the monitored assets and for storing the aggregated data in the local data store, and a local server also with access to the local data store for supporting the transmission of the stored usage data from the local data store to a remote server. The system also utilizes a remote server having access to a remote data store. The remote server is utilized to receive the usage data transmitted by the local server. After receiving the data, the remote server stores it in the remote data store. The usage data residing in either the local data store or the remote data store is available for subsequent access, processing and analysis via the local server and the remote server respectively.

Notably, Coons does not describe or suggest *applying validation rules to an export file at a local computer system to determine the data records included within the export file that satisfy the validation rules wherein one of the applied validation rules determines whether data representing an amount of usage of a piece of equipment included within the corresponding export file is invalid, or generating an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an inputting error at the remote computer system.* (Emphasis added.)

Furthermore, Coons does not describe or suggest *generating a correction report, correcting each data record listed on the error report such that each data record listed on the error report satisfies validation rules, generating a corrected export file including the corrected data records, and then transmitting an invoice for payment by the customer for usage of the piece of equipment based on the corrected export file.* (Emphasis added.)

Rather, Coons merely describes a system that transmits and stores usage data associated with monitored assets of an enterprise between a local server, a local data store, a remote server and a remote data store.

Applicants respectfully submit that Heinemann does not describe or suggest the claimed invention. More specifically, Heinemann describes a computerized method of automatically generating payment for electronic billing data including automatically obtaining billing data in an electronic format from a billing party for a billable party, and automatically comparing the billing data with rule data defined by the billable party. The method includes automatically authorizing generation of payment data for the billing party if the billing data satisfies the comparison with the rule data.

Notably, Heinemann does not describe or suggest *applying validation rules to an export file at a local computer system to determine the data records included within the export file that satisfy the validation rules wherein one of the applied validation rules determines whether data representing an amount of usage of a piece of equipment included within the corresponding export file is invalid.* (Emphasis added.) Rather, Heinemann describes validating invoice data by comparing it to rule data defined by a billable party. Heinemann does not describe, teach or even mention applying validation rules to an export file to determine whether data representing an amount of usage of a piece of equipment included within the corresponding export file is invalid. In fact, Heinemann is silent as to an amount of usage of a piece of equipment.

Moreover, Heinemann does not describe or suggest generating an error report identifying the data records included within the export file that violate at least one of the validation rules including *identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an inputting error at the remote computer system.* (Emphasis added.)

Furthermore, Heinemann does not describe or suggest generating a correction report, correcting each data record listed on the error report such that each data record listed on the error report satisfies validation rules, generating a corrected export file including the corrected data records, and *then transmitting an invoice for payment by the customer for usage of the piece of equipment based on the corrected export file.* (Emphasis added.)

Rather, Heinemann describes a method for automatically authorizing generation of payment data if billing data satisfies comparison with rule data, wherein the rule data includes a plurality of warning rules and a plurality of error rules. The step of automatically comparing the billing data with the rule data further includes if the billing data fails to satisfy any of the error rules, ceasing further evaluation of the billing data and automatically electronically notifying the billing party that the billing data failed to satisfy the error rules, without automatically authorizing generation of payment data.

Claim 1 recites a method for performing usage-based billing for a business entity using a local computer system coupled to a database and a remote computer system, the business entity having customers subscribing to a usage-based billing program, the method includes "inputting into the remote computer system meter data relating to equipment usage by one of the customers, the meter data including at least one of an amount of usage of a piece of equipment, equipment serial number, model number, meter reading date, and customer name...generating an export file by processing the meter data at the remote computer system, the export file including a plurality of data records...transmitting the export file from the remote computer system to the local computer system for storing within the database...applying validation rules to the export file at the local computer system to determine the data records included within the export file that satisfy the validation rules, wherein one of the applied validation rules determines whether data representing an amount of usage of a piece of equipment included within the corresponding export file is invalid...generating an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an inputting error at the remote computer system...generating at the local computer a correction report including a list of all the data records listed on the error report, a corresponding reason for the data record to be listed on the error report, and a list of possible

corrective actions to correct the data record for satisfying the validation rules...correcting each data record listed on the error report such that each data record listed on the error report satisfies the validation rules...generating a corrected export file including the corrected data records...and transmitting an invoice for payment by the customer for usage of the piece of equipment based on the corrected export file.”

Neither Coons nor Heinemann, alone or in combination, describes or suggests a method as recited in Claim 1. More specifically, neither Coons nor Heinemann, alone or in combination, describes or suggests a method for performing usage-based billing for a business entity using a local computer system coupled to a database and a remote computer system that includes applying validation rules to an export file at the local computer system to determine the data records included within the export file that satisfy the validation rules, *wherein one of the applied validation rules determines whether data representing an amount of usage of a piece of equipment included within the corresponding export file is invalid.* (Emphasis added.)

Moreover, neither Coons nor Heinemann, alone or in combination, describes or suggests generating an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an inputting error at the remote computer system, and generating at the local computer a correction report including a list of all the data records listed on the error report, a corresponding reason for the data record to be listed on the error report, and a list of possible corrective actions to correct the data record for satisfying the validation rules.

Furthermore, neither Coons nor Heinemann, alone or in combination, describes or suggests correcting each data record listed on the error report such that each data record listed on the error report satisfies the validation rules, generating a corrected export file including the corrected data records, and then transmitting an invoice for payment by the customer for usage of the piece of equipment based on the corrected export file.

Rather, Heinemann merely describes a computerized method of automatically generating payment for electronic billing data including automatically obtaining billing data in an electronic format from a billing party for a billable party, and automatically comparing the billing data with

rule data defined by the billable party. The method includes automatically authorizing generation of payment data for the billing party if the billing data satisfies the comparison with the rule data. Additionally, Coons simply describes a system for remotely storing usage data associated with monitored assets of an enterprise that includes a local data store for storing usage data associated with monitored assets of an enterprise, a usage data aggregation system with access to the local data store for aggregating data from the monitored assets and for storing the aggregated data in the local data store, and a local server with access to the local data store for supporting the transmission of the stored usage data from the local data store to a remote server for storing the data in a remote data store.

Accordingly, Applicants respectfully submit that Claim 1 is patentable over Coons in view of Heinemann.

For at least the reasons as set forth above, Applicants respectfully request that the Section 103 rejection of Claim 1 be withdrawn.

Claims 2-5 and 8-9 depend from independent Claim 1 which is submitted to be in condition for allowance. When the recitations of Claims 2-5 and 8-9 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-5 and 8-9 are also patentable over Coons in view of Heinemann.

Claim 13 recites a computer for performing usage-based billing for a business entity having customers subscribing to a usage-based billing program, the computer comprising a processor in communication with a database, the computer programmed to "receive meter data relating to equipment usage by one of the customers, the meter data including at least one of an amount of usage of a piece of equipment, equipment serial number, model number, meter reading date, and customer name...generate an export file by processing the meter data, the export file including a plurality of data records...store the export file within the database...apply validation rules to the export file to determine the data records included within the export file that satisfy the validation rules, wherein one of the applied validation rules determines whether data representing an amount of usage of a piece of equipment included within the corresponding export file is invalid...generate an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that

violate at least one of the validation rules due to at least one of a processing error and an inputting error...generate a correction report including a list of all the data records listed on the error report, a corresponding reason for the data record to be listed on the error report, and a list of possible corrective actions to correct the data record for satisfying the validation rules...prompt a user associated with the business entity to correct each data record listed on the error report such that each data record listed on the error report satisfies the validation rules...generate a corrected export file including the corrected data records...and transmit an invoice for payment by the customer for usage of the piece of equipment based on the corrected export file.”

Claim 13, as herein amended, recites a computer for performing usage-based billing for a business entity that is programmed to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 13 is patentable over Coons in view of Heinemann for reasons that correspond to those given with respect to Claim 1.

For at least the reasons as set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 13 be withdrawn.

Claims 14-15 and 18 depend from independent Claim 13 which is submitted to be in condition for allowance. When the recitations of Claims 14-15 and 18 are considered in combination with the recitations of Claim 13, Applicants submit that dependent Claims 14-15 and 18 are also patentable over Coons in view of Heinemann.

Claim 19 recites a database for performing usage-based billing for a business entity, the business entity having customers subscribing to a usage-based billing program, the database is stored on a readable medium and includes “data corresponding to meter data relating to equipment usage by one of the customers, the meter data including at least one of an amount of usage of a piece of equipment, equipment serial number, model number, meter reading date, and customer name...data corresponding to an export file generated by processing the meter data, the export file including a plurality of data records...data corresponding to validation rules applied to the export file to determine the data records included within the export file that satisfy the validation rules, wherein one of the applied validation rules determines whether data representing an amount of usage of a piece of equipment included within the corresponding

export file is invalid...data corresponding to a generated error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error and an inputting error...data corresponding to a generated correction report including a list of all the data records listed on the error report, a corresponding reason for the data record to be listed on the error report, and a list of possible corrective actions to correct the data record for satisfying the validation rules...data corresponding to a prompt for display on a computer for correcting each data record listed on the error report such that each data record listed on the error report satisfies the validation rules...data corresponding to a generated corrected export file including the corrected data records...and data corresponding to transmitting an invoice for payment by the customer for usage of the piece of equipment based on the corrected export file.”

Claim 19, as herein amended, recites a database for performing usage-based billing for a business entity that includes data corresponding to the steps recited in Claim 1. Thus, it is submitted that Claim 19 is patentable over Coons in view of Heinemann for reasons that correspond to those given with respect to Claim 1.

For at least the reasons as set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 19 be withdrawn.

Claims 20-22 depend from independent Claim 19 which is submitted to be in condition for allowance. When the recitations of Claims 20-22 are considered in combination with the recitations of Claim 19, Applicants submit that dependent Claims 20-22 are also patentable over Coons in view of Heinemann.

Claim 23 recites a system for performing usage-based billing for a business entity having customers subscribing to a usage-based billing program, the system includes “a client system comprising a browser, the client system configured to...receive meter data relating to equipment usage by one of the customers including at least one of an amount of usage of a piece of equipment, equipment serial number, model number, meter reading date, and customer name, and generate an export file by processing the meter data, the export file including a plurality of data records...a database for storing information...and a server configured to be coupled to the

client system and the database, the server system further configured to...receive the export file from the client system...apply validation rules to the export file to determine the data records included within the export file that satisfy the validation rules, wherein one of the applied validation rules determines whether data representing an amount of usage of a piece of equipment included within the corresponding export file is invalid...generate an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the server system and an input error at the client system...generate a correction report including a list of all the data records listed on the error report, a corresponding reason for the data record to be listed on the error report, and a list of possible corrective actions to correct the data record for satisfying the validation rules...prompt a user associated with the business entity to correct each data record listed on the error report such that each data record listed on the error report satisfies the validation rules...generate a corrected export file including the corrected data records...and transmit an invoice for payment by the customer for usage of the piece of equipment based on the corrected export file.”

Claim 23, as herein amended, recites a system for performing usage-based billing for a business entity that includes, among other things, a server system configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 23 is patentable over Coons in view of Heinemann for reasons that correspond to those given with respect to Claim 1.

For at least the reasons as set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 23 be withdrawn.

Claims 24-25 and 28 depend from independent Claim 23 which is submitted to be in condition for allowance. When the recitations of Claims 24-25 and 28 are considered in combination with the recitations of Claim 23, Applicants submit that dependent Claims 24-25 and 28 are also patentable over Coons in view of Heinemann.

Claim 29 recites an apparatus for performing usage-based billing for a business entity having customers subscribing to a usage-based billing program, the apparatus includes “means for receiving meter data relating to equipment usage by one of the customers, the meter data

including at least one of an amount of usage of a piece of equipment, equipment serial number, model number, meter reading date, and customer name...means for generating an export file by processing the meter data, the export file including a plurality of data records...means for applying validation rules to the export file to determine the data records included within the export file that satisfy the validation rules, wherein one of the applied validation rules determines whether data representing an amount of usage of a piece of equipment included within the corresponding export file is invalid...means for generating an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error and an inputting error...means for generating a correction report including a list of all the data records listed on the error report, a corresponding reason for the data record to be listed on the error report, and a list of possible corrective actions to correct the data record for satisfying the validation rules...means for prompting a user associated with the business entity to correct each data record listed on the error report such that each data record listed on the error report satisfies the validation rules...means for generating a corrected export file including the corrected data records...and means for transmitting an invoice for payment by the customer for usage of the piece of equipment based on the corrected export file."

Claim 29, as herein amended, recites an apparatus for performing usage-based billing for a business entity that includes means for performing steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 29 is patentable over Coons in view of Heinemann for reasons that correspond to those given with respect to Claim 1.

For at least the reasons as set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 29 be withdrawn.

Claims 30-31 and 34-35 depend from independent Claim 29 which is submitted to be in condition for allowance. When the recitations of Claims 30-31 and 34-35 are considered in combination with the recitations of Claim 29, Applicants submit that dependent Claims 30-31 and 34-35 are also patentable over Coons in view of Heinemann.

Claim 36 recites a computer program embodied on a computer-readable medium executable by a computer for performing usage-based billing for a business entity having

customers subscribing to a usage-based billing program, the program including at least one code segment that "receives meter data relating to equipment usage by one of the customers, the meter data including at least one of an amount of usage of a piece of equipment, equipment serial number, model number, meter reading date, and customer name...generates an export file by processing the meter data, the export file including a plurality of data records...stores the export file within a database...applies validation rules to the export file to determine the data records included within the export file that satisfy the validation rules, wherein one of the applied validation rules determines whether data representing an amount of usage of a piece of equipment included within the corresponding export file is invalid...generates an error report identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error and an inputting error...generates a correction report including a list of all the data records listed on the error report, a corresponding reason for the data record to be listed on the error report, and a list of possible corrective actions to correct the data record for satisfying the validation rules...prompts a user associated with the business entity to correct each data record listed on the error report such that each data record listed on the error report satisfies the validation rules...generates a corrected export file including the corrected data records...and transmits an invoice for payment by the customer for usage of the piece of equipment based on the corrected export file."

Claim 36, as herein amended, recites a computer program that includes at least one code segment that performs steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 36 is patentable over Coons in view of Heinemann for reasons that correspond to those given with respect to Claim 1.

For at least the reasons as set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 36 be withdrawn.

Claim 39 depends from independent Claim 36 which is submitted to be in condition for allowance. When the recitations of Claim 39 are considered in combination with the recitations of Claim 36, Applicants submit that dependent Claim 39 is also patentable over Coons in view of Heinemann.

Claim 40 recites a method for performing usage-based billing for a business entity using a local computer system coupled to a database and a remote computer system, the business entity having customers subscribing to a usage-based billing program, the method includes "receiving at the remote computer system meter data relating to equipment usage by one of the customers, the meter data including at least one of an amount of usage of a piece of equipment, equipment serial number, model number, meter reading date, and customer name...generating an export file by processing the meter data at the remote computer system, the export file including a plurality of data records...transmitting the export file from the remote computer system to the local computer system for storing within the database...applying validation rules to the export file at the local computer system to determine the data records included within the export file that satisfy the validation rules, wherein one of the applied validation rules determines whether data representing an amount of usage of a piece of equipment included within the corresponding export file is invalid...identifying the data records included within the export file that violate at least one of the validation rules including identifying data records that violate at least one of the validation rules due to at least one of a processing error at the local computer system and an receiving error at the remote computer system... generating a correction report including a list of all the data records listed on the error report, a corresponding reason for the data record to be listed on the error report, and a list of possible corrective actions to correct the data record for satisfying the validation rules...prompting a user associated with the business entity to correct each data record listed on the error report such that each data record listed on the error report satisfies the validation rules...generating a corrected export file including the corrected data records...and transmitting an invoice for payment by the customer for usage of the piece of equipment based on the corrected export file."

Claim 40, as herein amended, recites a method for performing usage-based billing for a business entity that includes steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 40 is patentable over Coons in view of Heinemann for reasons that correspond to those given with respect to Claim 1.

For at least the reasons as set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 40 be withdrawn.

Claim 41 depends from independent Claim 40 which is submitted to be in condition for allowance. When the recitations of Claim 41 are considered in combination with the recitations of Claim 40, Applicants submit that dependent Claims 41 is also patentable over Coons in view of Heinemann.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-5, 8, 9, 13-15, 18-25, 28-31, 34-36, and 39-41 be withdrawn.

In addition, although it is not completely clear from the Office Action, it appears that Claims 6, 7, 16, 17, 26, 27, 32, 33, 37, 38, 42 and 43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Coons in view of Heinemann. Accordingly, the rejection of Claims 6, 7, 16, 17, 26, 27, 32, 33, 37, 38, 42 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Coons in view of Heinemann is respectfully traversed.

Claims 6 and 7 depend from independent Claim 1 which is submitted to be in condition for allowance. When the recitations of Claims 6 and 7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 6 and 7 are also patentable over Coons in view of Heinemann.

Claims 16 and 17 depend from independent Claim 13 which is submitted to be in condition for allowance. When the recitations of Claims 16 and 17 are considered in combination with the recitations of Claim 13, Applicants submit that dependent Claims 16 and 17 are also patentable over Coons in view of Heinemann.

Claims 26 and 27 depend from independent Claim 23 which is submitted to be in condition for allowance. When the recitations of Claims 26 and 27 are considered in combination with the recitations of Claim 23, Applicants submit that dependent Claims 26 and 27 are also patentable over Coons in view of Heinemann.

Claims 32 and 33 depend from independent Claim 29 which is submitted to be in condition for allowance. When the recitations of Claims 32 and 33 are considered in combination with the recitations of Claim 29, Applicants submit that dependent Claims 32 and 33 are also patentable over Coons in view of Heinemann.

Claims 37 and 38 depend from independent Claim 36 which is submitted to be in condition for allowance. When the recitations of Claims 37 and 38 are considered in combination with the recitations of Claim 36, Applicants submit that dependent Claims 37 and 38 are also patentable over Coons in view of Heinemann.

Claims 42 and 43 depend from dependent Claim 41 which is submitted to be in condition for allowance. When the recitations of Claims 42 and 43 are considered in combination with the recitations of Claim 41, Applicants submit that dependent Claims 42 and 43 are also patentable over Coons in view of Heinemann.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 6, 7, 16, 17, 26, 27, 32, 33, 37, 38, 42 and 43 be withdrawn.

In addition to the argument set forth above, Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Heinemann nor Coons, considered alone or in combination, describe or suggest the claimed method. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Heinemann and Coons, because there is no motivation to combine the references suggested in the art. Those skilled in the art would not be motivated by either Heinemann or Coons to combine the reference with the other.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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